

MONTANA LEGISLATIVE HISTORY

Chapter 329 19 92

Bill H 266 S _____ Original bill & history C

H. Committee on Business & Labor

Hearing Date(s) Jan 23 ✓ C

Jan 24 ✓ C

_____ C

_____ C

Date Out Jan 24 ✓ C

S. Committee on Business & Industry

Hearing Date(s) Mar 06 ✓ C

Mar 07 ✓ C

_____ C

_____ C

Mar 07 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

1/28	HEARING		
1/29	FISCAL NOTE PRINTED		
2/11	TABLED IN COMMITTEE		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	2ND READING PASSED	89	8
2/26	3RD READING PASSED	87	10
	TRANSMITTED TO SENATE		
3/03	FIRST READING		
3/03	REFERRED TO FISH & GAME		
3/07	REVISED FISCAL NOTE REQUESTED		
3/12	REVISED FISCAL NOTE RECEIVED		
3/13	HEARING		
3/18	REVISED FISCAL NOTE PRINTED		
3/20	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

HB 266 INTRODUCED BY COCCHIARELLA, ET AL.

LC0335 DRAFTER: CAMPBELL

REQUIRE THE DEPARTMENT OF COMMERCE, ITS REPRESENTATIVES, AND COUNTY AND CITY AUTHORITIES DURING ROUTINE INSPECTIONS TO REQUEST PROOF OF LICENSURE FOR ANY PERSON WHO IS REQUIRED TO BE LICENSED WHO IS INVOLVED WITH PLUMBING OR ELECTRICAL WORK AND TO REPORT LICENSE VIOLATIONS TO THE INSPECTOR'S EMPLOYING AGENCY

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO BUSINESS & LABOR		
1/15	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/23	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/27	REVISED FISCAL NOTE REQUESTED		
1/29	REVISED FISCAL NOTE RECEIVED		
1/30	REVISED FISCAL NOTE RECEIVED		
1/31	FISCAL NOTE PRINTED		
2/14	2ND READING PASSED	71	25
2/15	3RD READING PASSED	63	34
	TRANSMITTED TO SENATE		
2/17	FIRST READING		
2/17	REFERRED TO BUSINESS & INDUSTRY		
3/06	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCUR MOTION FAILED	22	27
3/13	MOTION FAILED TO SEGREGATE FROM COMMITTEE OF WHOLE REPORT	25	25
3/14	RECONSIDERED PREVIOUS ACTION	37	12
3/17	2ND READING CONCURRED AS AMENDED	31	18
3/18	3RD READING CONCURRED	31	19
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	99	1
4/11	3RD READING CONCURRED AS AMENDED	70	27
4/15	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 379		
	EFFECTIVE DATE: 10/01/97		

{Tape: 1; Side: 1; Approx. Time Count: .5; Comments: None.}

Proponents' Testimony:

Bob Pyfer, Sr. Vice Pres. MT Credit Unions.

{Tape: 1; Side: 1; Approx. Time Count: 2.3; Comments: None.}

Myrtle White, Pres. and CEO Treasure State Credit Union.

{Tape: 1; Side: 1; Approx. Time Count: 11.8; Comments: None.}

Kathy Briggs, Health Federal Credit Union.

{Tape: 1; Side: 1; Approx. Time Count: 15.8; Comments: None.}

Jim McLee, Government Employees Credit Union.

{Tape: 1; Side: 1; Approx. Time Count: 16.4; Comments: None.}

Fran Sommerfield, Miles City Credit Union.

{Tape: 1; Side: 1; Approx. Time Count: 16.8; Comments: None.}

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: Rep. Peck closed.

{Tape: 1; Side: 1; Approx. Time Count: 17.3; Comments: None.}

HEARING ON HB 266

Opening Statement by Sponsor: REP. VICKI COCCHIARELLA, H. D. 64 introduced the bill. EXHIBIT 1.

{Tape: 1; Side: 118.6; Approx. Time Count: None; Comments:

Proponents' Testimony:

John Brown, Building Codes Bureau, Dept. of Commerce.

{Tape: 1; Side: 1; Approx. Time Count: 22.7; Comments: None.}

Duane Steinmetz, Member of Board of Plumbers. EXHIBIT 2 and 3.

{Tape: 1; Side: 1; Approx. Time Count: 23.7; Comments: None.}

John Forkan, Mt. Plumbers and Pipefitters.

{Tape: 1; Side: 1; Approx. Time Count: 25.3; Comments: None.}

Jerry Driscoll, MT Construction and Trades Council.

{Tape: 1; Side: 1; Approx. Time Count: 25.8; Comments: None.}

Ron Van Diest, Mt. Electrician Licensing Board.

{Tape: 1; Side: 1; Approx. Time Count: 26.4; Comments: None.}

Don Halverson, Plumbers and Pipefitters Local #459.

{Tape: 1; Side: 1; Approx. Time Count: 28.7; Comments: None.}

Dan Chance, MT Building Assn.

{Tape: 1; Side: 1; Approx. Time Count: 29.4; Comments: None.}

Darrel Holzer, AFL-CIO.

{Tape: 1; Side: 1; Approx. Time Count: 29.9; Comments: None.}

Opponents' Testimony:

Jim Kembel, City of Billings.

{Tape: 1; Side: 1; Approx. Time Count: 30.4; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 31.7; Comments: None.}

Closing by Sponsor: Rep. Cocchiarella closed.

{Tape: 1; Side: 2; Approx. Time Count: 31.6; Comments: None.}

HEARING ON HB 262

Opening Statement by Sponsor: REP. JOE BARNETT, H.D. 32
introduced the bill. EXHIBIT 4.

{Tape: 1; Side: 2; Approx. Time Count: 34.2; Comments: None.}

Proponents' Testimony:

Keith Colby, Ex. Secretary of MT Ind. Bankers

{Tape: 1; Side: 2; Approx. Time Count: 39.4; Comments: None.}

John Cadby, Mt. Bankers Assn.

{Tape: 2; Side: 1; Approx. Time Count: 12.9; Comments: None.}

Don Hutchinson, Dept. of Commerce.

{Tape: 2; Side: 1; Approx. Time Count: 14.3; Comments: None.}

Tom Ellis, Norwest Bank System.

{Tape: 2; Side: 1; Approx. Time Count: 14.5; Comments: None.}

Curt Sundquist, People Bank in Deer Lodge.

{Tape: 2; Side: 1; Approx. Time Count: 15.1; Comments: None.}

Opponents' Testimony: None.

Questions From Committee Members and Responses:

{Tape: 2; Side: 1; Approx. Time Count: 16.3; Comments: None.}

Closing by Sponsor: Rep. Barnett closed.

{Tape: 2; Side: 1; Approx. Time Count: 36.9; Comments: None.}

EXHIBIT 2
DATE 1/23/97
HB 225-2160

The Honorable Bruce Simon
Chairman; and Members
of the Committee

I am Duane Steinmetz a member of the Board of Plumbers
testifying on behalf of myself in support of HB 266.

It is my opinion that part of the duties of a Plumbing or
electrical inspector in Protecting the Health and Safety of
the Public should be to verify whether the installation was
performed by a competent licensed individual.

It is in the name of Public health, safety and welfare that
code enforcement bureaus exist and why permit and inspection
fees are charged to the builder or homeowner. In keeping with
this theme it would make sense that given the fact that
Montana is too large to adequately cover by a handful of
inspectors and that installations may be covered after the 24
hour rule, verifying that the installation was completed by a
competent licensed individual would be appropriate.

And, as verified by the enclosures this duty is already
listed in their position descriptions as 8 % of their job
assignment for which their grade and salary are based on.

Department of Commerce Timesheet

Employee Name:

Division:

BUILDING CODES BUREAU

PAYROLL LOCATION

S.S. #

Overtime Employee**

Cash Compensation

Non-Exempt (FLSA) Comp Time

Agreement must be signed

X

Exempt Camp Time

Straight time

Payroll Period

Beginning:

Ending:

[illegible][illegible]

MUST ANSWER - FAMILY MEDICAL LEAVE (FMLA): Was any leave taken for family medical purposes:

(If yes, you must explain in the comment section below.)

YES

NO

Comments: (Reason for Comp Time Earned, Leave Taken, Family Medical Leave, etc.)

Employee's Signature

Date

Supervisor's Signature

Date _____

WEEKLY INSPECTION REPORT	MONDAY DATE:	TUESDAY DATE:	WEDNESDAY DATE:	THURSDAY DATE:	FRIDAY DATE:
VEHICLE #					
ENDING ODOMETER					
BEGINNING ODOMETER					
TOTAL DAILY MILES					
ARRIVAL LOCATION					
CITIES-TOWNS-AREAS COVERED					
PROJECTS VISITED- NOT ACTUALLY INSPECT. (LIST PERMIT #)					
PROJECTS INSPECTED (LIST PERMIT #)					
RECORD TYPE OF INSP. (9) SERVICE (R) ROUGH-IN (F) FINAL (O) OTHER					
COMPLIANCE ORDERS ISSUED (LIST NUMBER)					
LICENSE CHECKS INCLUDED PERTINENT DETAILS					

INSPECTION AREA

INSPECTOR SIGNATURE

ACTUAL INSPECTION

P-

M-

L-

*****PART III: Signatures *****

EMPLOYEE

Signature _____
(Please Print)

Date: _____

Name: _____

Title: _____

IMMEDIATE SUPERVISOR

To the best of my knowledge, the statements in Parts I and II are accurate and complete.

Signature William H. Jellison
Name: WILLIAM H. JELLISON
(Please Print)

Date: 8-8-96
Title: SUPERVISOR P/M/E
(Please Print)

ADMINISTRATIVE REVIEW

Signature [Signature]
Name: _____
(Please Print)

Date: 8-8-96
Title: _____
(Please Print)

Signature _____
Name: _____
(Please Print)

Date: _____
Title: _____
(Please Print)

REQUIRED SIGNATURE

Agency Director
or Designee: [Signature]
Name: _____
(Please Print)

Date: 8/12/96
Title: _____
(Please Print)

8-2276

*** PART I: Identification ***

AGENCY: Agency Code: 6501 Position No: 65097

Bureau Section
Building Codes Bureau Plumbing/Mechanical/Electrical Section

<u>Building & Street</u>	<u>Room</u>	<u>City</u>	<u>Zip</u>	<u>Business</u>
1218 East Sixth Avenue	<u>Number</u>	Helena	<u>Code</u>	<u>Telephone</u>
			59620-0517	444-3933

The Building Codes Bureau has the responsibility to establish and enforce the statewide building code to safeguard the public and employees from hazards inherent in the construction of buildings, including their structural, nonstructural, electrical, plumbing, mechanical, boiler and elevator components and recreational vehicles and factory-built buildings manufactured or offered for sale in Montana.

*** Part II: Job Description ***

The following tasks require working knowledge and use of state statutes and administrative rules, the Uniform Plumbing Code (UPC) and Uniform Mechanical Code (UMC), basic code enforcement inspection techniques and standard plumbing and mechanical system installation practices and methods.

A. Within assigned geographic area, is responsible for completion of inspection of permitted projects under construction for compliance with the UPC, UMC, administrative rules and state law. 80%

1. Provides timely rough-in and final inspections of residential, commercial and public plumbing and/or mechanical installations under appropriate state permit.

2. Notifies contractor or owner, as appropriate, of all deficiencies identified and requires correction of such deficiencies through verbal notification or issuance of Notices of Violation and Order to Comply or filing of formal complaint, if necessary.
 3. Provides final approval of plumbing and mechanical installations and notes correction of all previously identified deficiencies.
 4. Maintains contact and good working relationship with area plumbing and mechanical contractors and other State and local government building codes inspectors.
- B. Within assigned geographic area, investigates complaints and conducts requested inspections for compliance with the UPC, UMC, administrative rules and State Law. 10%
1. Investigates complaints of unsafe or improper plumbing and mechanical conditions, as assigned, prepares reports on findings and correction actions needed, issues Notices of Violation and Order to Comply, as necessary, and assures payment of requested inspection fee.
 2. Coordinates complaint investigation and requested inspections with Section Supervisor and, if necessary, with Bureau Chief and Staff Attorney.
 3. Gathers appropriate evidence, photos, statements, etc., for potential enforcement action and, if necessary, testifies in hearings, depositions and court cases.
 4. Maintains proper records of all investigations and requested inspections including, but not limited to, date and time, persons contacted, deficiencies found, statements made, etc.
- C. Within assigned geographic area, checks for plumbers licensure. 8%
1. Checks for proper master, journeyman and apprentice licensure, as appropriate, at plumbing installation projects in progress, in the inspector's area.
 2. Fills out complaint form regarding any case of improper licensure found and transmits said form to the Section Supervisor for filing with the Board of Plumbers. Includes any applicable documentation (NOV's, permit status, complaint letters, reports, etc.).
 3. Maintains proper records of plumbers license checks.

D. Other plumbing and mechanical code enforcement duties as assigned.

2%

1. Completes plumbing and/or mechanical plan review on assigned projects.
2. Assists in inspections in other plumbing/mechanical inspector areas as assigned.

2. WORKING CONDITIONS AND PHYSICAL DEMANDS:

Inspection duties involve extensive travel and outside work. As a result, inclement weather and hazards of winter driving may be experienced. Inspection work requires the physical ability to get around on construction locations and the ability to drive possibly several hundred miles per trip. The inspection duties include the possibility of high stress factor resulting from occasional threats and verbal abuse from irate and belligerent individuals. In addition, the inspection duties require the inspector to be physically present on construction and/or industrial sites and thereby exposed to potentially hazardous substances or conditions (i.e. fumes, noise, moving parts, etc.).

3. KNOWLEDGE, SKILLS, AND ABILITIES:

1. Working knowledge of the State's building codes and plumbing licensure and administrative rules as well as the plumbing and mechanical codes and ability to interpret same. The ability to interpret the plumbing and mechanical codes and specifications requires knowledge of the theory and practical application of construction, repair and operation standards and practices to a wide range of complex and variable conditions which may require deviation from said standards and practices.
2. General knowledge of standard plumbing and mechanical installation practices, procedures, methods and tools of the trade as well as inspection techniques. The installation practices and methods must be applied to a variety of situations and conditions that require reasonable and realistic solutions to problems which may not be solved with conventional means.
3. Ability to communicate effectively orally and in writing.
4. Some knowledge of the legislative process and enforcement procedures.
5. Ability to establish and maintain effective working relationships with staff and the public.
6. Ability to read and interpret plumbing and mechanical plans and specifications and general understanding of common construction codes and mechanical terminology.

7. Ability to plan and schedule for efficient and timely completion of inspections and assigned work, meeting deadlines and priorities.

EDUCATION AND EXPERIENCE:

Necessary knowledge, skills and abilities are typically acquired through a combination of education and experience equivalent to graduation from high school, completion of a plumbing apprenticeship and three years experience as a plumber; or graduation from high school and ten years of experience as a plumber. In addition to the above, a Journeyman or Master Plumber's License is required as well as a valid Montana driver's license.

4. MANAGEMENT and SUPERVISION of OTHERS:

<u>Pos. No.</u>	<u>Class Code</u>	<u>Title</u>	<u>FTE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Total organizationally subordinate FTE's: _____

5. SUPERVISION RECEIVED:

-How is the work assigned -- in what format, by whom?

The position is self-supervised in its daily activities, for the most part, and works independently without other staff or the Section Supervisor present to assist in the performance of inspections and investigations. The inspector receives plumbing and mechanical inspection certificates (to be inspected) from the office, and is required to schedule inspections and investigations within the general guidelines established by the Bureau (i.e. inspections, inspection trips via a circuit system, requested inspections based on urgency, etc.).

-How are work methods, procedures and priorities determined?

The inspector is orientated and instructed to operate within the guidelines, policies and procedures established by the Bureau (see assigned duties). The inspector is required to determine the best plan of approach to solving the various situations and problems encountered during inspections and proceed within the established guidelines, policies and procedures. The inspector determines the work methods and priorities with minimal guidance from the Section Supervisor and initiates enforcement actions following consultation and coordination with the Section Supervisor, Bureau Chief and/or Agency Counsel, as appropriate.

-What guidelines, manuals, procedures and references are available and how are they used?

The inspector is provided with copies of State statutes, administrative rules, written Bureau interpretations, plumbing and mechanical codes and interpretation manuals to address the technical and policy aspects of the position. In addition, the procedures for obtaining plumbing and mechanical permits, licenses and inspections are explained to the inspector during orientation.

-What assistance is available from others -- supervisor, co-workers, outside specialists?

The inspector is expected to solve situations and problems which occur on projects, within the inspector's assigned area, on a daily basis. Assistance and guidance are available from the office (Supervisor, Bureau Chief and/or Agency Counsel), via telephone, when the inspector is unsure of which course of action should be pursued due to unusual circumstances or when the decision rendered may effect other Building Codes programs. Contact with the office is as needed, but typically more than two or three times per week.

-How is the work reviewed -- by whom, how often?

The Supervisor reviews the inspector's work (inspection) files typically on an annual basis, to determine adherence to the Bureau's guidelines for "balancing the work-load" and to determine the employee's level of performance (EPA). In addition, the Supervisor accompanies the inspector on inspections, as time permits, to observe inspection/investigation techniques and methods and reviews paperwork and reports submitted to the office by the inspector.

-By what method is the work reviewed -- by tasks? by objective?

The inspector's work is reviewed, by the Supervisor, utilizing field and office audits of the inspector's work (inspection) files. In addition, the inspector's written reports (i.e. weekly activity reports, travel vouchers, completed inspection reports, individual activity reports, etc.) are reviewed, as submitted, to verify adherence with the Bureau's program(s) objectives.

6. SCOPE & EFFECT:

Objective of the Bureau:

The Building Codes Bureau has the responsibility to establish and enforce the statewide building code to safeguard the public and employees from hazards inherent in the construction of buildings, including their structural, nonstructural, electrical, plumbing, mechanical, boiler and elevator components and recreational vehicles and factory-built buildings manufactured or offered for sale in Montana.

Role or participation of position:

Within an assigned geographic area, this position is responsible for completion of inspection of plumbing and mechanical installations for compliance with the plumbing and mechanical codes, administrative rules and State law. In addition, this position investigates complaints and conducts investigations for; compliance with the plumbing and mechanical codes, administrative rules and State law; and other, enforcement duties.

"Who" and "What" affected:

This position's decisions and solutions to problems directly affects; the public's safety, health and welfare; the quality of plumbing and mechanical installations and their compliance with the plumbing and mechanical codes; the economical impact, related to installation, maintenance and repair costs, on business, owners, users and customers; and the public's image and perception of State Government.

7. PERSONAL CONTACTS:

1. Bureau Staff (within work unit) - Bureau Chief and Section Supervisor contact is typically no more than two or three times per week to exchange information, assign work, coordinate, discuss technical and/or administrative problems, etc.
2. Division and Department Level Staff (within agency) - As needed, but typically not more than on a monthly basis. Reasons for contact essentially the same as above.
3. Public (External) - This position has daily contact with the public, plumbers and contractors regarding inspections and code matters. Contacts with the public are directly related to; solving problems and situations which may not be solvable utilizing standard procedures; convincing parties to make corrections of deficiencies discovered during inspection; explaining requirements and/or the intent of the codes; and representing the Bureau in proceedings regarding codes.



9550 DERBY DRIVE • P.O. BOX 18010
MISSOULA, MONTANA 59808-8010
PHONE (406) 728-5231
FAX (406) 728-1935

EXHIBIT 3
DATE 1/23/97
HB 266

22 January 1997

Montana State House of Representatives
Business & Labor Committee
Bruce Simon, Chairman
Re: Committee Hearing on HB 266

I wish to offer the following comments. I have been a licensed plumber in the State of Montana for about thirty years and am currently Chairman of the Board of Plumbers. The comments are mine and are not meant to reflect any position of the Board of Plumbers.

House Bill 266 is a common sense attempt to clarify a conflict between Bureaus in the Department of Commerce. Currently, Building Codes Bureau and Bureau certified city & town inspectors refuse to determine that the plumbing was installed by a properly licensed individual when they inspect the work for code compliance. I believe this license check is part of the inspector's job description and would be very easily done during their inspection of the work. A Master Plumber's name and license number is already required to obtain the plumbing permit so it should be a simple matter to add the installing plumber's name and license number during the inspection of the work.

There should not be any fiscal impact except for investigation and prosecution of the complaints that would be found by the license checks. The Board of Plumbers has adequate funds from license fees to cover any additional costs. I request the Board be allowed two FTE's to handle the additional work and to catch up on the backlog of complaints the Board has given to the Professional & Occupational Licensing Bureau for investigation. Better yet, I request the Board of Plumbers be given the authority to subcontract the investigation and prosecution. The Board spent about \$30,000.00 in 1996 for investigation and prosecution by the POL Bureau and did not settle a single complaint. State government has not protected the health and safety of the people as mandated by MCA Title 37 Chapter 1 and Chapter 69. I think it is time to allow the Board to get the job done.

Thank you for the opportunity to offer these comments.

Sincerely

Dick Grover

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1/23/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	✓		
Paul Sliter Vice Chairman	✓		
Bob Pavlovich, Vice Chairman	✓	all. 9:36 am	
Joe Barnett	✓		
Rod Bitney	✓		
Sylvia Bookout	✓		
Charles Devaney	✓		
David Ewer	✓		
Kim Gillan	✓		
Billie Krenzler	✓		
Bob Lawson	✓		
Rod Marshall	✓		
Gay Ann Masolo	✓	left at 8:46 am	
Wes Prouse	✓		
Carolyn Squires	✓		
Jay Stovall	✓		
Cliff Trexler	✓		
Joe Tropila	✓		
Carley Tuss	✓		

MONTANA HOUSE OF REPRESENTATIVES VISITORS REGISTER

DATE 1-23-97

BILL NO. HB 266

SPONSOR(S) _____

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE
CIRCLE

	NAME	ADDRESS	REPRESENTING
POI	W. James Kembel	1100 Knight	City of Billings O
POI	Ron Van Driest	Helena	St. Elect. Lic. Bd.
POI	JOHN FORKAN	Butte	MT. ASN Plmbs & Fitters
POI	DRANE STEINMETZ	Billings	MYSELF
POI	Don Halverson	1026 So 5th Missoula	Plumbers + Pipefitters Local 459
POI	James F. Brown	Helena	Commerce
POI	Jerry Quisell	Boz	mt Building trades
POI			
POI			
POI			
POI			
POI			
POI			

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Closing by Sponsor: Senator Crippen closed.

{Tape: 1; Side: 1; Approx. Time Count: 3.2; Comments: None.}

HEARING ON SB 58

Opening Statement by Sponsor: SENATOR CHUCK SWYSGOOD, S.D. 17 introduced the bill. EXHIBIT 1.

{Tape: 1; Side: 1; Approx. Time Count: 5.6; Comments: None.}

Proponents' Testimony:

Brad Griffin, MT Retail Assn.

{Tape: 1; Side: 1; Approx. Time Count: 9.8; Comments: None.}

Tara Mele, MT P.I.R.G.

{Tape: 1; Side: 1; Approx. Time Count: 10.2; Comments: None.}

Opponents' Testimony: None.

Informational Testimony:

Bob Pyfer, MT Credit Union League

{Tape: 1; Side: 1; Approx. Time Count: 11.1; Comments: None.}

John Cadby, Mt. Bankers Assn. EXHIBIT 2 & 3.

{Tape: 1; Side: 1; Approx. Time Count: 12.6; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 16/5; Comments: None.}

Closing by Sponsor: Rep. Swysgood closed.

{Tape: 1; Side: 2; Approx. Time Count: 1.9; Comments: None.}

EXECUTIVE ACTION ON HB 266

Motion: REP. SQUIRES MOVED HB 266 DO PASS.

{Tape: 1; Side: 2; Approx. Time Count: 7.4; Comments: None.}

Motion/Vote: REP. SQUIRES MOVED TO ADOPT COCCHIARELLA AMENDMENTS. EXHIBIT 4. Motion passed unanimously.

{Tape: 1; Side: 2; Approx. Time Count: 9.4; Comments: None.}

Motion/Vote: REP. SQUIRES MOVED DO PASS AS AMENDED.

{Tape: 1; Side: 2; Approx. Time Count: 9.5; Comments: None.}

DISCUSSION:

{Tape: 1; Side: 2; Approx. Time Count: 9.9; Comments: None.}

Vote: Motion carried with roll call vote 12-7.

{Tape: 1; Side: 2; Approx. Time Count: 18.7; Comments: None.}

Amendments to House Bill No. 266
First Reading Copy

Requested by Rep. Cocchiarella
For the Committee on Business and Labor

Prepared by Stephen Maly
January 22, 1997

1. Title, line 5.

Strike: "STATE,"

Following: "COUNTY"

Strike: ", "

2. Title, line 6.

Strike: "DETERMINE PLUMBER AND ELECTRICIAN LICENSE COMPLIANCE"

Insert: "REQUIRE PROOF OF LICENSURE FOR ANY PERSON INVOLVED WITH
PLUMBING OR ELECTRICAL WORK"

3. Title, line 7.

Following: "TO THE"

Insert: "INSPECTOR'S EMPLOYING AGENCY; REQUIRING EACH EMPLOYING
AGENCY TO REPORT LICENSE VIOLATIONS TO THE"

4. Page 1, line 13.

Strike: "Inspection by department"

Insert: "Inspections"

5. Page 1, line 14.

Following: "its"

Strike: "any"

Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an
inspection pursuant to 50-60-302 in order"

6. Page 1, lines 15 through 18.

Following: "code." on line 15

Strike: the remainder of lines 15 through 18 in their entirety

Insert: "As part of any inspection, the inspector shall request
proof of licensure from any person who is involved with or,
in the inspector's judgment, appears to be involved with
plumbing activities on the site. The inspector shall report
any instance of license violation to the inspector's
employing agency and the employing agency shall in turn
report the violation to the board of plumbers."

7. Page 1, line 21.

Strike: "Department to make inspections, issue inspection tags,
and establish fees"

Insert: "Inspections -- electrical permits -- fees"

8. Page 1, line 22.

Following: "or"

Strike: "any"

Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an
inspection pursuant to 50-60-302"

9. Page 1, line 23.

Following: "issue"

Strike: "inspection tags"

Insert: "electrical permits"

10. Page 1, lines 24 through 27.

Following: "inspection."

Strike: the remainder of lines 24 through 27 in their entirety

Insert: "As part of any inspection, the inspector shall require
proof of licensure from any person who is involved with or,
in the inspector's judgment, appears to be involved with
electrical installations on the site. The inspector shall
report any instance of license violation to the inspector's
employing agency, and the employing agency shall in turn
report the violation to the board of electricians."



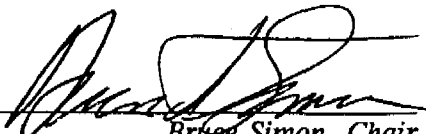
HOUSE STANDING COMMITTEE REPORT

January 24, 1997

Page 1 of 2

Mr. Speaker: We, the committee on Business and Labor report that House Bill 266 (first reading copy -- white) do pass as amended.

Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "STATE,"

Following: "COUNTY"

Strike: ", "

2. Title, line 6.

Strike: "DETERMINE PLUMBER AND ELECTRICIAN LICENSE COMPLIANCE"

Insert: "REQUIRE PROOF OF LICENSURE FOR ANY PERSON INVOLVED WITH
PLUMBING OR ELECTRICAL WORK"

3. Title, line 7.

Following: "TO THE"

Insert: "INSPECTOR'S EMPLOYING AGENCY; REQUIRING EACH EMPLOYING
AGENCY TO REPORT LICENSE VIOLATIONS TO THE"

4. Page 1, line 13.

Strike: "Inspection by department"

Insert: "Inspections"

5. Page 1, line 14.

Following: "its"

Strike: "any"

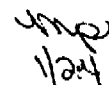
Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an
inspection pursuant to 50-60-302 in order"

Committee Vote:

Yes 12, No 7.


1/24

171303SC.Hgd

6. Page 1, lines 15 through 18.

Following: "code." on line 15

Strike: the remainder of lines 15 through 18 in their entirety

Insert: "As part of any inspection, the inspector shall request proof of licensure from any person who is involved with or, in the inspector's judgment, appears to be involved with plumbing activities on the site. The inspector shall report any instance of license violation to the inspector's employing agency and the employing agency shall in turn report the violation to the board of plumbers."

7. Page 1, line 21.

Strike: "Department to make inspections, issue inspection tags, and establish fees"

Insert: "Inspections -- electrical permits -- fees"

8. Page 1, line 22.

Following: "or"

Strike: "any"

Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an inspection pursuant to 50-60-302"

9. Page 1, line 23.

Following: "issue"

Strike: "inspection tags"

Insert: "electrical permits"

10. Page 1, lines 24 through 27.

Following: "inspection."

Strike: the remainder of lines 24 through 27 in their entirety

Insert: "As part of any inspection, the inspector shall require proof of licensure from any person who is involved with or, in the inspector's judgment, appears to be involved with electrical installations on the site. The inspector shall report any instance of license violation to the inspector's employing agency, and the employing agency shall in turn report the violation to the board of electricians."

-END-

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL

DATE 1/24/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	X		
Paul Sliter Vice Chairman	X		
Bob Pavlovich, Vice Chairman	X		
Joe Barnett	X		
Rod Bitney	X		X
Sylvia Bookout	X		
Charles Devaney	X		
David Ewer	X		
Kim Gillan	X		
Billie Krenzler	X		
Bob Lawson	X		
Rod Marshall	X		
Gay Ann Masolo	X		
Wes Prouse	X		
Carolyn Squires	X		
Jay Stovall	X		
Cliff Trexler	X		
Joe Tropila	X		
Carley Tuss	X		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

BUSINESS AND LABOR COMMITTEE

DATE 1/24/97 BILL NO. HB 266 NUMBER

MOTION: HB 266 as amended

NAME	AYE	NO
Bruce Simon, Chairman	X	
Paul Sliter, Vice Chairman		X
Bob Pavlovich, Vice Chairman	X	
Joe Barnett		X
Rod Bitney		X
Sylvia Bookout	X	
Charles Devaney	X	
David Ewer	X	
Kim Gillan	X	
Billie Krenzler	X	
Bob Lawson	X	
Rod Marshall		X
Gay Ann Masolo		X
Wes Prouse		X
Carolyn Squires	X	
Jay Stovall		X
Cliff Trexler	X	
Joe Troplia	X	
Carley Tuss	X	

{Tape: 1; Side: A; Approx. Time Count: 9:41 AM; Comments: N/A.}

HEARING ON HB 266

Sponsor: REP. VICKI COCCHIARELLA, HD 64, MISSOULA

Proponents: Duane Steinmetz, citizen
Terry Hatch, MT Electrical Contractors Assoc.
Ron Van Dietz, MT Electrical Licensing Board
Don Chance, MT Building Industry Assoc.

Opponents: None

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 64, MISSOULA. It is a simple bill that eliminates some duplication of inspection. It allows for more efficiency for the Boards of Electricians and Plumbers as they have already been working together to make sure the people working on the sites are licensed. The fiscal note states that the additional cost is for the fining of people who are not licensed. We are not trying to expand any licensing provisions. They are going to absorb the cost within their current budgets.

Proponents' Testimony:

Duane Steinmetz representing myself. I support this bill. It is a simple cooperation between officials on construction sites. It is going to make the Boards' work a lot easier. All workers are required to carry their licenses on the job site so there should not be much of a problem.

Terry Hatch, MT Electrical Contractors Assoc. We are in support of this bill. When the state inspectors are checking on the building codes they will normally check licenses as they go, but in certified areas that is not happening.

Ron Van Dietz, MT Electrical Licensing Board. We are in support of this bill. A license is required for all who do electrical work. The Board is responsible for guaranteeing the people of Montana that everyone is licensed and can do the work. This is a good bill. In certified areas (areas that the state does not inspect and there are 13 of those areas), 11 do their own inspecting and none at this time are checking for licenses. The exceptions are Great Falls and Butte. No additional cost should be necessary for the state. License compliance should be enforced.

{Tape: 1; Side: B; Approx. Time Count: 9:49 AM; Comments: N/A.}

Don Chance, MT Building Industry Assoc. As this bill was amended by the sponsor in the House we have no difficulty with it and think it is a good idea.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. BENEDICT offered an amendment that would state: "who is required to be licensed" so people would not be required to be licensed if they were doing other kinds of work such as just stringing wire in a ditch as a laborer or laying pipe. We don't want to sweep people into being licensed if it is not necessary. REP. COCCHIARELLA responded that such an amendment would be fine.

SEN. HERTEL stated that on the fiscal note it was asking for a half FTE to take care of the extra work load. It seems like the bill would require fewer duties and fewer people in the field. REP. COCCHIARELLA said that the Department would not ask for more money and the cost would be absorbed into their current budget. There may be more reports to be processed and investigated and that is the purpose of the half FTE.

Closing by Sponsor:

REP. COCCHIARELLA closed. It is the intent of this legislation to make it less cumbersome on contractors, make more efficiency in government and not to expand any more licensing.

{Tape: 1; Side: 2; Approx. Time Count: 10:06 AM; Comments: A 10 MINUTE BREAK WAS TAKEN.}

HEARING ON HB 287

Sponsor: REP. WILLIAM WISEMAN, HD 41, GREAT FALLS

Proponents: Beth O'Halloran, State Auditor's Office
Ward Shanahan, Investment Companies Institute
Steve Browning, Montana Community Foundation
Jim Soft, Executive Vice President, Yellowstone
Boys & Girls Ranch Foundation

Opponents: None

Opening Statement by Sponsor:

REP. BILL WISEMAN, HD 41, GREAT FALLS. This is a department bill. I have been a stockbroker for 19 years and agreed to carry the bill. We had some health problems in December and I didn't get to see the bill till it was too late to be submitted as a department bill. I don't know a great deal about the ins and outs of this bill and people from the department are here to explain the bill. Thank you.

DATE 3-6-97

SENATE COMMITTEE ON Bus + Ind

BILLS BEING HEARD TODAY: HB 266 HH 262
HB 287

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Jim Brown	Bldg. Codes Bd. Comm	266	✓	
Edward Dancho	INVEST CO. INSTITUTE	287	AMEND	
Jimmy Oursell	MT Building Trades	266	✓	
Annie Baert	MT. Dept of Commerce	262	✓	
Don Hutchinson	" " "	262	✓	
Tom Ellis	Northwest Banks	262	✓	
TOTAL CADDY	MT BANKERS ASSN	262	✓	
Keith L. Colbo	MT Indep. Bankers	262	✓	
Duane Stewmetz	SELF	266	✓	
Ulysses WICK	NECA	266	✓	
Ron Van Driest	S. Electrical Board	266	✓	
Lloyd Davison	IBEW # 233	266	✓	
Don CHANCE	MT. BUILDING IND. ASSOC	266	✓	
Jim Soft	YBGR Fdn	287	✓	

Steve Branning

Montana Community Foundation 287 ✓

Beth O'Halloran

State Auditor 287 ✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Vote: THE MOTION TO AMEND HB 331 CARRIED with SEN. SHEA voting NO: 5-1.

Motion/Vote: SEN. MCCARTHY MOVED HB 331 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON HB 262

Motion/Vote: SEN. WILLIAM CRISMORE MOVED HB 262 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON HB 350

Motion/Vote: SEN. BEA MCCARTHY MOVED HB 350 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON HB 266

Motion: SEN. DEBBIE SHEA MOVED HB 266 BE CONCURRED IN.

Amendment: SEN. STEVE BENEDICT MOVED TO AMEND HB 266 (EXHIBIT 7) hb026601.abc.

Vote: THE MOTION TO AMEND HB 266 CARRIED UNANIMOUSLY: 6-0

Motion: SEN. SHEA MOVED HB 266 BE CONCURRED IN AS AMENDED.

Discussion: SEN. EMERSON feels the state is being overloaded with licensing. SEN. SHEA felt that it would not require a lot of extra time for those who were checking licenses. SEN. HERTEL felt that the person doing the inspecting would also be able to check on the licenses.

Vote: THE BE CONCURRED IN AS AMENDED MOTION FOR HB 266 CARRIED with SENATORS EMERSON AND BENEDICT voting NO: 4-2

{Tape: 1; Side: B; Approx. Time Count: 10:00 AM; Comments: N/A.}

{Tape: 1;; Side: B; Approx. Time Count: 10:30 AM; Comments: A 30 MINUTE BREAK WAS TAKEN.}

CHAIRMAN JOHN HERTEL declared the committee back in Executive Action. He stated: Committee members, as you know, we have heard four different telecommunication bills in this session. In fact SB 89, SB 242 and SB 243 were held on January 31, 1997. SB 312 was held on February 14, 1997. With the information that I gave you yesterday, you probably noticed that the work that has been accomplished is attempting to make one bill out of the four

that we have heard. Various things were taken from SB 242, SB 243 and SB 312 and placed into SB 89. There were some changes in SB 89 as well. This is what we are dealing with this morning. First, we will act on SB 242, SB 243 and SB 312.

EXECUTIVE ACTION ON SB 242

Motion: SEN. WILLIAM CRISMORE MOVED DO PASS SB 242.

Discussion: SEN. BENEDICT wanted to know if there would be discussion on what went into SB 89. SEN. HERTEL felt that action should be taken on the first three bills.

Motion/Vote: SEN. CRISMORE MOVED TO TABLE SB 242. THE MOTION TO TABLE SB 242 CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON SB 243

Motion: SEN. BENEDICT MOVED DO PASS SB 243.

Discussion: SEN. CRISMORE stated that with what the committee has been working on over the past few weeks, we no longer need to have this bill around.

Motion/Vote: SEN. BENEDICT MOVED TO TABLE SB 243. THE MOTION TO TABLE SB 243 CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON SB 312

Motion: SEN. CASEY EMERSON MOVED DO PASS SB 312.

Discussion: There was no discussion.

Motion/Vote: SEN. EMERSON MOVED TO TABLE SB 312. THE MOTION TO TABLE SB 312 CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON SB 89

Motion: SEN. CRISMORE MOVED DO PASS SB 89.

Amendment: SEN. CRISMORE MOVED TO AMEND SB 89 (EXHIBIT 8) sb008901.agp.

Discussion: SEN. BENEDICT stated that he felt that things were rushed with some of the legislation we had in the committee and that was evident with the amount of testimony with all three bills and this endeavor is a much more prudent and reasonable course of action which will allow us to move into that telecommunications arena as it unfolds but without taking steps

Amendments to House Bill No. 266
Third Reading Copy

Requested by Senator Benedict
For the Committee on Business and Industry

Prepared by Bart Campbell
March 7, 1997

1. Title, line 7.

Following: "PERSON"

Insert: "WHO IS REQUIRED TO BE LICENSED"

2. Page 1, line 22, and page 2, line 8.

Following: "PERSON"

Insert: "who is required to be licensed"

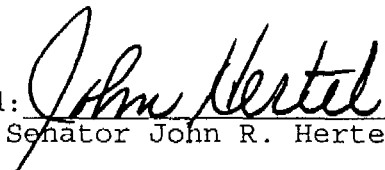


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 7, 1997

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill 266 (third reading copy -- blue), respectfully report that House Bill 266 be amended as follows and as so amended be concurred in.

Signed: 

Senator John R. Hertel, Chair

That such amendments read:

1. Title, line 7.

Following: "PERSON"

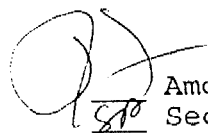
Insert: "WHO IS REQUIRED TO BE LICENSED"

2. Page 1, line 22, and page 2, line 8.

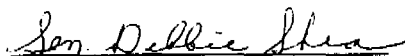
Following: "PERSON"

Insert: "who is required to be licensed"

-END-



Amd. Coord.
Sec. of Senate



Senator Carrying Bill

501112SC.SRF